

**REMARKS**

This Amendment is responsive to the Office Action identified above, and is further responsive in any other manner indicated below.

**PENDING CLAIMS**

Claims 1-18 and 47-48 were pending, under consideration and subject to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-18 and 47-48 will be pending for further consideration and examination in the application.

**REJECTION UNDER '112, 2ND PAR. OBLIVIATED VIA CLAIM AMENDMENT**

Claims 7-18 and 47-48 have been rejected under 35 USC '112, second paragraph, as being indefinite for the concerns listed within the 112 section on page 3 of the Office Action. Claims 7-18 and 47-48 have been carefully reviewed and carefully amended where appropriate in order to address the Office Action listed concerns. As the foregoing is believed to have addressed all '112 second paragraph concerns, reconsideration and withdrawal of the '112 second paragraph rejection are respectfully requested.

## REJECTION UNDER 35 USC '103

All 35 USC '103 rejections are respectfully traversed. All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following remarks in support of traversal of the rejection and patentability of Applicant's clarified claims.

In the present invention, a master key generation unit generates a key by receiving both of the first and second key information. Namely the key is generated with the two key information; with the first key information being **apparatus specific key information**, and the second key information being another (e.g., non-apparatus-specific) key information. Further, for enhanced security purposes (i.e., to thwart unauthorized decrypting), **the first key information is not recorded onto the removable recording medium unit**, i.e., just the second key information is recorded. (See Fig. 8 and corresponding description in the specification.) In terms of distinguishing claim limitations, clarified independent claims 1 and 7 now recite: "recording a digital signal on **a removable recording medium unit including a recording medium, ...wherein said first key information as said apparatus-specific key information, is not recorded on any part of said removable recording medium unit**".

It is possible to realize high security by using the first and the second key information for encrypting, **because it makes difficult to infer the missing apparatus-specific key from the recorded information (e.g., at another**

apparatus attempting to reproduce the copy-protected recording medium unit), as the first key information is not recorded onto the removable recording medium unit. That is, if a recording is made on a specific apparatus, and then is attempted to be reproduced on a differing apparatus, reproduction will fail because the differing apparatus will not be privy to the first (apparatus specific) key information.

Thus, Applicant's invention is advantageous in providing another level of security/copy-protection, in that its apparatus specific key information allows apparatus specific copies to be made.

Turning now to rebuttal of the applied references, Office Action comments allege that portions of Chou (e.g., col. 6, lines 17 - col. 7, line 5) teaches Applicant's first (apparatus specific) key information. Strong traversal is appropriate, because Chou fails as a reference in that Chou teaches away from Applicant's invention in that Chou's (Examiner alleged) "apparatus specific" key is stored in Chou's recording medium. Further traversal is appropriate, because Chou's keys are not "apparatus specific", and instead are derived from non-apparatus items (e.g., noise and/or a recording medium). The very fact that Chou's key is derived from transient noise, or is derived from some characteristic of a removable recording medium unit, is strong evidence that Chou's key is NOT APPARATUS SPECIFIC, as Chou's key relates to transient items, not fixed items or characteristics of the apparatus.

That, in the context of Applicant's claims, Chou's disclosure nowhere discloses (or suggests) any type of apparatus specific key information which is not recorded onto the removable recording medium unit. In fact, Chou's keys are specific to a "noise sample" and/or to a "digital video disk", and are recorded (see

Chou's FIGS. 2 and 4 and col. 6, lines 28-30) onto Chou's non-volatile memory 8 of the transponder 2 of the optical disk carrier 2, i.e., are recorded onto Chou's removable recording medium unit. Chou's col. 1, lines 60-64, for example, states:

...The encryption process uses a key generated from the sample of noise signal which was combined with the original video data. The key derived from the sampled noise is further encrypted with a encryption key K<sub>x</sub> specific to the digital video disk.

As additional examples, attention is directed to Chou's col. 8, lines 19-22, and Chou's abstract. In short, none of Chou's keys are apparatus specific keys which are not stored on the removable recording medium unit. In short, even if one were to assume that Chou's key is "apparatus specific", Chou teaches contrary to Applicant's invention, in that, Chou's key IS RECORDED ONTO CHOU'S REMOVABLE RECORDING MEDIUM UNIT. That is, Chou's key is recorded onto non-volatile memory 8 (see Chou's FIG. 4) as a part of Chou's transponder microcircuit 3 which itself is a part of Chou's removable recording medium unit 1 (i.e., disk or video cassette).

Regarding the other applied references, none of such references cure the major deficiency mentioned above with respect to the primary Chou reference. Accordingly, it is respectfully submitted that no combination of the applied references would have disclosed, or suggested, Applicant's claimed invention.

Regarding added independent claim 49, such independent claim substantially parallels independent claim 1, with the exception of claim 49's last paragraph alternatively reciting: "wherein a copy of said first key information as said apparatus-specific key information, is not carried together with any part of said removable recording medium unit." Again, if one were to assume that

Chou's key is "apparatus specific", Chou teaches contrary to Applicant's invention, in that, Chou's key IS CARRIED WITH (i.e., AS A PART OF) CHOU'S REMOVABLE RECORDING MEDIUM UNIT. That is, Chou's key is recorded onto non-volatile memory 8 (see Chou's FIG. 4) as a part of Chou's transponder microcircuit 3 which itself is carried as a part of Chou's removable recording medium unit 1 (i.e., disk or video cassette).

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '103 rejection, and express written allowance of all of the '103 rejected claims, are respectfully requested.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

#### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any

objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 501.40474X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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